

## **REMARKS**

This paper is responsive to the Office Action dated 3/18/2009 wherein claims 1-34 were rejected. By this paper, claims 1, 3, 15, 24, 26, 28, 33, 34 have been amended, claims 2, 16, 17 and 27 have been canceled. In view of the following remarks, Applicant requests further examination and reconsideration. No new matter has been added.

### **Double Patenting**

In the above-mentioned Office Action, the indicated a nonstatutory double patenting rejection of all claims in the present application in relation to claims 1-13 and 23-30 of the co-pending U.S. Application Serial No. 10/890,836 (GE Docket 136354-1). These applications are commonly assigned and have at least one common inventor. While Applicant does not necessarily agree to the determination made by the Office, Applicant hereby tenders a Terminal Disclaimer to traverse this rejection.

### **35 USC 101**

Applicant respectfully traverses the rejection the rejection of claims 15-25 and 33-34 under 35 USC 101 as directed toward non-statutory subject matter.

Without prejudice, Applicant has amended claims 15, 33 and 34 to note that the processing is performed on a computing device and are not merely mental steps. Since the language requirements post-Bilski are still unsettled, Applicant's attorney respectfully requests a telephone interview if the Office has suggestions for alternative wording.

Therefore, claims 15-25, 33, and 34 recite statutory subject matter. Applicant respectfully requests that the Office withdraw the rejection under 35 USC 101.

### **35 USC §103**

The Office rejects claims 1-34 under 35 USC 013(a) as being unpatentable over James (U.S. Pat. Pub. No. 2004/0172409) in view of Yahil (U.S. Pat. No. 7,328,182). The Applicant respectfully traverses the rejection and respectfully submits that the applied references do not teach, suggest, or disclose either individually or in combination the claimed features. In addition, the Applicant does not concede these to be prior references.

The Office indicates that James describes the extraction and analysis/processing of 'financial data and business data' and that the financial data comprises at least one of

'quantitative financial data and qualitative financial data' and the business data comprises at least one of 'quantitative financial data and qualitative financial data'.

Applicant respectfully disagrees with this conclusion and does not believe that James processes the combining of both quantitative and qualitative data as presently claimed. James Abstract describes an invention wherein "the system can automatically identify patterns of template data points encapsulated in the form of one or more "events." Calculations and analysis relating to those identified events can be automatically performed at the identified locations of the events. Events are user-defined, and can be defined in reference to multiple channels of data. The system can perform various correlation calculations in comparing events with data points. Upon identifying the location of various events in the various data files, markers can be placed at those file locations. Analysis calculations can then be performed related to the marked data. The system can incorporate the automated time-scaling of patterns, marker sorting heuristics, the adjustment of fit sensitivity based on the size of the pattern, target value weighing, and the calculation of various confidence values relating to the processing of the system." The data, whether from the 'physical data source' or a sensor, is numerical data as explained in the James specification and processing.

The Office refers to James Figure 1 which shows the data collection component 107 includes sensors 104 and 'physical data source' 102. This component 107 is used as the source for the analysis as noted in James Par. [0062]. It is clearly intended for numerical quantitative data and processing. Applicant does not believe that James refers to any qualitative processing as defined in the present application and respectfully requests that the Office reconsider its position or locate the appropriate section in James that details such qualitative processing. Yahil also describes a quantitative processing of numerical data.

As noted in the present application, "[e]xamples of quantitative financial data include financial statement reports, stock price and volume, credit and debt ratings and risk scores related to the business entity." Whereas "[q]ualitative financial data comprises qualitative financial event information related to the business entity. Qualitative financial event information are verbal or narrative pieces of data that are representative of certain business and financial actions or occurrences that are associated with or affect the business entity." In one embodiment, "Examples of quantitative business and financial information sources include financial results and internal financial statements related to business entities, stock exchange reports and quantitative risk scores produced by commercial databases such as Moody's KMV, Standard & Poor ratings and Dun and Bradstreet's PAYDEX®. Examples of qualitative business and financial information sources include, for example, on-line news sources such as YAHOO!

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News, FindArticles.com, etc., commercial news sources such as WALL STREET JOURNAL, BLOOMBERG, etc., business trade and industry publications, news reports, footnotes to financial statements, and qualitative financial data learned in interviews and discussions with a business entity.”

The present claims relate to processing that combines the analysis of quantitative data (e.g.: numerical data) with qualitative data (e.g.: text and verbal data) in order to detect behavioral patterns. Further dependent claims recite additional aspects related to other features such as fusing of the quantitative and qualitative data for detecting financial anomalies.

Accordingly Applicant submits that the combination of the cited references would not render the subject matter of the amended claims obvious to one of ordinary skill in the art. Applicant respectfully requests that the Office withdraw the rejection under 35 USC 103.

### **Summary**

For the reasons set out above, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

If the Office believes that anything further is necessary to place the application in better condition for allowance, the Examiner is kindly asked to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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